

1 JUDGE ROBERT J. BRYAN
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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 UNITED STATES OF AMERICA,)
11 Plaintiff,) No. CR18-5076RJB
12 vs.) ORDER ON DEFENDANT'S MOTION
13 COREY AUSTIN McCONAGHY,) TO CONTINUE PRETRIAL MOTIONS
14 Defendant.) CUTOFF DATE, THE PRETRIAL
15) CONFERENCE AND TRIAL DATE
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Before this Court is an unopposed motion to continue the pretrial motions cutoff, the pretrial conference and the trial date.

On February 22, 2018, Mr. McConaghy was indicted on one count of Felon in Possession of a Firearm in violation of 18 USC § 922(g)(1).

Mr. McConaghy was arraigned on March 8, 2018 and the Court set pretrial motions cutoff for March 28, 2018, the pretrial conference for April 9, 2018 and the trial date for April 16, 2018.

A continuance is requested as material witnesses need to be interviewed in this case, however, one of the witnesses has yet to be identified. Counsel for another witness is inquiring whether that witness would be willing to undergo a defense interview. When, and if, those interviews are conducted, counsel will then determine whether a severance motion will be filed.

1 A continuance is also requested as counsel for the defendant will be on a family vacation out
2 of the country from April 13-22, 2018, and, therefore, will be unavailable during the currently
3 scheduled trial date.

4 AUSA Tate London is aware of this motion and has no objection to this request.

5 Having considered the defendant's motion, the Court hereby finds as follows:

- 6 1. taking into account the exercise of due diligence, a failure to grant a continuance
7 would deny counsel for the defendant the reasonable time necessary for effective
8 preparation, due to counsel's need for more time to interview witnesses and
9 otherwise gather additional evidence material to the defense, as set forth in 18
10 U.S.C. § 3161(h)(7)(B)(iv);
- 11 2. a failure to grant a continuance will result in Mr. McConaghy requesting the Court to
12 appoint new defense counsel, and new counsel will likely be pressed for time and
13 also request a continuance in the interest of justice under 18 U.S.C. §
14 3161(h)(7)(B)(iv);
- 15 3. a failure to grant a continuance would likely result in a miscarriage of justice, as set
16 forth in 18 U.S.C. § 3161(h)(7)(B)(i) because defense counsel needs additional time
17 to gather its own evidence; and interviewing the witness that need to be conducted in
18 this case;
- 19 4. the additional time requested is a reasonable period of delay, as defense counsel has
20 requested more time to prepare for trial, to investigate the matter, to gather evidence
21 material to the defense, and to consider possible defenses;

1 5. the ends of justice will best be served by a continuance, and the ends of justice
2 outweigh the best interests of the public and the defendant in any speedier trial, as
3 set forth in 18 U.S.C. § 3161(h)(7)(A);
4 6. the additional time requested between the current trial date of April 16, 2018, and a
5 new trial date only a week or two later is necessary to provide counsel for the
6 defendant reasonable time to prepare for trial considering all of the facts set forth
7 above;
8 7. the current trial date was ordered during Mr. Purser's arraignment, which was prior
9 to Mr. McConaghy's arraignment, and this trial date directly interferes with defense
10 counsel's pre-arranged vacation plans;
11 8. the additional time requested between the current trial date of April 16, 2018, and a
12 new trial date, only a week or two later is necessary to provide counsel for the
13 defendant reasonable time to facilitate counsel's pre-arranged vacation plans; and
14 9. there is insufficient time to appoint new counsel and expect new counsel to be
15 prepared and ready for the current trial date.

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17 For these reasons, the Court finds the defendant's motion for continuance should be
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19 granted.

20 The currently scheduled pretrial motions cutoff date of March 28, 2018 should be
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22 STRICKEN. The pretrial motions cutoff date shall be continued to April 25, 2018.

23 The currently scheduled pretrial hearing date of April 9, 2018 should be STRICKEN. The
24 pretrial shall be continued to April 27, 2018, at 8:30 a.m.

25 The currently scheduled trial date of April 16, 2018 should be STRICKEN. The trial date
26 shall be continued to May 14, 2018 at 9:30 a.m.
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1 IT IS SO ORDERED.
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DONE IN OPEN COURT this 30th day of March, 2018.

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6 ROBERT J. BRYAN
7 United States District Judge
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10 HESTER LAW GROUP, INC. P.S.
11 Attorneys for Defendant
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14 By: /s/ Lance M. Hester
15 LANCE M. HESTER
16 WSB #27813
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